

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into the Service
Quality Standards for All Telecommunications
Carriers and Revisions to General Order 133-B.

Rulemaking 02-12-004
(Filed December 5, 2002)

**ASSIGNED COMMISSIONER AND ADMINISTRATIVE
LAW JUDGE'S RULING DENYING IN PART
AND GRANTING IN PART MOTION TO SUSPEND**

This ruling grants in part and denies in part the Cellular Carriers Association of California's, Sprint Communications Company, L.P.'s, and Pac-West Telecomm's (Moving Parties) motion to suspend this proceeding until the conclusion of the Consumer Protection Rulemaking (R.) 00-02-004. Although we decline to suspend this proceeding pending the outcome of R.00-02-004, we have considered the motion and responsive pleadings and modify the comment cycle and proposed schedule. We narrow and modify the request for comments to four issues: 1) adoption of measures for specific services proposed in Exhibit A to Attachment 1 of the Order Instituting Rulemaking (OIR); 2) parties' cost/benefit analyses for adoption of those measures; 3) whether publishing carriers' reported data for service quality measures is a reasonable alternative or interim step to establishing standards and measure-specific quality assurance mechanisms for some measures; and 4) whether workshops centered on implementation issues would be productive after draft rules issue.

The Moving Parties request suspension of this proceeding pending conclusion of the Consumer Protection rulemaking because of the acknowledged interdependency of the proceedings and the efficiency of altering the scope of this proceeding after R.00-02-004 is resolved. The Moving Parties also suggest that the OIR is vague and does not contain specific proposed rules, which makes it difficult to provide comments on the proposals. Other telecommunications carriers support the motion to suspend,¹ and consumer representatives oppose it.² Some commenters that support the motion also offer alternatives, such as workshops and suspending the proceeding until resolution of service quality issues in R.01-09-001/I.01-09-002, the New Regulatory Framework (NRF) proceeding. Other commenters note that they have resource constraints in participating in multiple proceedings. The consumer commenters note that the overlap between the Consumer Protection and Service Quality rulemakings is

¹ AT&T Communications of California, Inc., Time Warner Telecom of California, LP, WorldCom, Inc., Citizens Telecommunications Company of California, Citizens Telecommunications Company of the Golden State, Citizens Telecommunications Company of the Tuolumne, Electric Lightwave, Inc., Roseville Telephone Company, Calaveras Telephone Company, Cal-Ore Telephone Company, Ducor Telephone Company, Evans Telephone Company, Foresthill Telephone Co., Happy Valley Telephone Company, Hornitos Telephone Company, Kerman Telephone Company, Pinnacles Telephone Co., The Ponderosa Telephone Co., Sierra Telephone Company, Inc., The Siskiyou Telephone Company, The Volcano Telephone Company, Winterhaven Telephone Company, Comcast Business Communications, Inc., AT&T Broadband Phone, Cricket Communications, Inc., Level 3 Communications, LLC, Nextel of California, Inc., Sage Telecom, Inc., Verizon California, Inc., Verizon Advanced Data Inc., Working Assets Funding Service, Inc., DBA Working Assets Long Distance, and Working Assets Wireless.

² National Consumer Law Center, Utility Consumers' Action Network, Office of Ratepayer Advocates, and The Utility Reform Network.

minor and can easily be resolved without suspending the proceeding and support the request for input before fashioning service quality measures.

The OIR acknowledges limited issue overlap between the Consumer Protection rulemaking and this OIR. However, this is the only proceeding where the Commission will adopt service quality measures. At this time, the Commission only contemplates adopting a definition of “customer complaint” for service quality reporting purposes in this OIR after the Consumer Protection rulemaking concludes. To develop a definition will require a proposal and comment process. Similarly, the NRF proceeding will not adopt measures, but any decision on service quality issues in that proceeding could assist the Commission in this OIR.

We concur that the OIR is non-specific in some areas and by this ruling offer a process that will more efficiently address proposed service quality measures. We decline at this time to order workshops, because workshops in the Consumer Protection Rulemaking, as noted by two commenters, did not expedite resolution of that proceeding and we do not believe they will provide an efficient means to issue proposed rules that modify and add service quality measures. Instead, we phase the comments that this OIR requested that parties provide and also solicit comment on whether workshops more narrowly focused on implementation issues, whether for new measures or applying existing measures to new services, would be helpful once draft measures issue.

We request comment on the appropriateness of applying measures delineated in Attachment 1, Exhibit A of R.02-12-004 under installation, maintenance, and operator, directory assistance, repair and business offices to basic local exchange access line service, intraLATA, interLATA services,

commercial mobile radio services (CMRS), ancillary (vertical) voice services, and advanced data services.³ As noted in the OIR, the Commission does not intend to apply all measures to each and every telecommunications service. If a party recommends adding or removing measures or services listed in Exhibit A, please provide details concerning the necessity of that addition or deletion. Parties may also comment on service quality issues not addressed in Exhibit A or the OIR. The more specific questions for comment listed in Attachment 1 to R.02-12-004 will be due at a later point after we issue draft rules and proposed measures.

The OIR did not ask parties to address the cost to carriers of measuring service quality. We solicit comment on the costs of measures currently required by the Commission and on the extension of specific measures to new areas. In particular, we solicit comment on the incremental costs of reporting to the Commission those measures already subject to ARMIS and Merger Compliance Oversight Team (MCOT) reporting. Parties providing estimates of costs for implementing measures should include cost support workpapers with step-by-step calculations, a list of the assumptions used and their basis, and any factors used in the calculations. The cost support workpapers should also clearly identify any charges your company expects to pay to any affiliates or third parties for services and how those charges factor into the calculation of costs. Parties should submit cost estimates and supporting workpapers in an IBM-compatible electronic (compact disk or 3.5" floppy diskette, or electronically/Internet transmitted) format with text information in MS Word

³ We include with this ruling a revised Exhibit A. Two measures discussed in R.02-12-004, repeat other-than-out-of-service trouble reports and major service interruptions, inadvertently were not listed on Exhibit A. Parties should address the measures listed on revised Exhibit A.

and numeric information in MS Excel. Excel spreadsheets should contain the formulas and cell references used in computations (i.e., do not submit spreadsheets containing “hard coded” computational results).

We note that the OIR also did not solicit comment on the benefit to consumers of applying service quality measures, particularly on the benefits of new reporting requirements. We solicit comment on any consumer benefit, and, where possible, a comparison between any costs associated with compliance and the potential benefit to consumers. Parties providing estimates of consumer benefits associated with establishing measures should include supporting workpapers with step-by-step calculations, a list of the assumptions used and their basis, and any factors used in the calculations. Parties should submit estimates and supporting workpapers in an IBM-compatible electronic (compact disk or 3.5” floppy diskette, or electronically/Internet transmitted) format with text information in MS Word and numeric information in MS Excel. Excel spreadsheets should contain the formulas or cell references used in computations (i.e., do not submit spreadsheets containing “hard coded” computational results).

We also request comment on whether publishing reported service quality data for measures is a reasonable alternative or interim step to establishing standards and measure-specific service quality assurance mechanisms for some measures. For example, could publishing carriers’ service quality data provide consumers with useful information for comparing carriers’ performance? We elicit parties’ opinions on whether such an approach would induce carriers to improve their performance, both with respect to their own performance and in relation to other carriers’ performance.

Parties’ comments will assist the Commission in establishing measures and standards and in determining a timetable for addressing service quality

assurance mechanisms. Proposed measures and standards also will be submitted as draft rules subject to comment by the parties.

We request opening and reply comments on the four issues identified above to be filed and served, as directed in the OIR, on April 1, 2003 and April 21, 2003, respectively.

IT IS RULED that:

1. The Cellular Carriers Association of California's, Sprint Communications Company, L.P.'s, and Pac-West Telecomm's (Moving Parties) motion to suspend this proceeding until the conclusion of the Consumer Protection Rulemaking 00-02-004 is granted in part and denied in part, as set forth herein.

2. Opening comments are due on April 1, 2003, and reply comments are due on April 21, 2003.

Dated, March 7, 2003, at San Francisco, California.

/s/ SUSAN P. KENNEDY
Susan P. Kennedy
Assigned Commissioner

/s/ JANICE GRAU
Janice Grau
Administrative Law Judge

Attachment 1**REVISED EXHIBIT A**

Applicability of Proposed Service Quality Measures to Services/Industry Segments						
Service Category	Service Quality Measure	Services				
		Basic Local Exchange Access Line Service	Ancillary (Vertical) Voice Services	IntraLATA/ InterLATA toll service	CMRS (mobile radio service)	Advanced Data Services (incl. DSL)
Installation	Held Access Line Service Orders	Yes	No	No	No	Yes
	Installation Commitments Met for Access Line Orders	Yes	No	No	No	Yes
	Installation Commitments Met for Other-Than Access Line Orders	No	Yes	Yes	Yes	No
	Installation Interval for Access Line Service Orders	Yes	No	No	No	Yes
	Installation Intervals for Other-Than Access Line Service Orders	No	Yes	Yes	Yes	No
	Percent of Access Line Installations Completed Within 5 Working Days	Yes	No	No	No	Yes
	Access Line Installation Trouble Report Clearing Time	Yes	No	No	No	Yes
	Access Line Installation Trouble Report Out-of-Service Clearing Time	Yes	No	No	No	Yes
	Access Line Installation Trouble Report Commitments Met	Yes	No	No	No	Yes
Maintenance	Customer Trouble Reports	Yes	Yes	Yes	Yes	Yes
	Repeat Out-of-Service Trouble Reports	Yes	Yes	Yes	Yes	Yes
	Repeat Other-Than-Out-of-Service Trouble Reports	Yes	Yes	Yes	Yes	Yes
	Initial Out-of-Service Trouble Report Clearing Time	Yes	Yes	Yes	Yes	Yes
	Repeat Out-of-Service Trouble Report Clearing Time	Yes	Yes	Yes	Yes	Yes
	Initial Out-of-Service Clearing Time Commitments Met	Yes	Yes	Yes	Yes	Yes
	Repeat Out-of-Service Clearing Time Commitments Met	Yes	Yes	Yes	Yes	Yes
	Other-Than Out-of-Service Clearing Time Commitments Met	Yes	Yes	Yes	Yes	Yes
	Initial Out-of-Service Repair Interval	Yes	Yes	Yes	Yes	Yes
	Repeat Out-of-Service Repair Interval	Yes	Yes	Yes	Yes	Yes
	Other-Than Out-of-Service Repair Interval	Yes	Yes	Yes	Yes	Yes
	Total Four-Hour Appointment Requests	Yes	No	No	No	Yes
	Four-Hour Appointment Commitments Met	Yes	No	No	No	Yes
	Major service interruptions	Yes	Yes	Yes	Yes	Yes
Customer Services (Operator, DA, Repair and Business Offices)	Toll Operator Answering Time	Yes	No	Yes	Yes	No
	Directory Assistance Operator Answering Time	Yes	No	Yes	Yes	No
	Trouble Report Service Answering Time	Yes	Yes	Yes	Yes	Yes
	Business Office Answering Time - Non-Billing-Related	Yes	Yes	Yes	Yes	Yes
	Business Office Answering Time - Billing Inquiries	Yes	Yes	Yes	Yes	Yes
	Percentage of abandoned calls	Yes	Yes	Yes	Yes	Yes
	Percentage of blocked calls	Yes	Yes	Yes	Yes	Yes

CERTIFICATE OF SERVICE

I certify that I have by mail and by electronic mail to the parties to which an electronic mail address has been provided this day served a true copy of the original attached Assigned Commissioner And Administrative Law Judge's Ruling Denying In Part And Granting In Part Motion To Suspend on all parties of record in this proceeding or their attorneys of record.

Dated March 7, 2003, at San Francisco, California.

/s/ REBECCA ROJO

Rebecca Rojo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY **1-866-836-7825 or (415) 703-5282 at least** three working days in advance of the event.